

REMARKS

Claims 1-48 are pending and stand rejected.

Paragraph 2 of the Office Action objected to the abstract, although the exact objection is not clear. Applicant has amended the abstract as shown above. If the amendment does not resolve the objection, Applicant requests that the objection be clarified.

Paragraph 3 of the Office Action objected to the use of acronyms without first including a description in plain text. Applicant has amended the specification as shown above to address this objection.

Paragraph 5 of the Office Action rejected claims 1-48 under 35 USC 112, second paragraph because of the use of the terms “short-term” and “long-term.” Applicant respectfully disagrees. Applicant contends that those terms would be understood by a person of ordinary skill in the art in light of paragraphs [0034]-[0042] of the specification and Figs. 6-8. Applicant requests that this rejection be withdrawn.

Paragraph 6 of the Office Action rejected claims 9, 25, and 41 under 35 USC 112, second paragraph, because of the lack of antecedent basis for the limitation “SLG” in line 2 of those claims. Applicant has amended claims 9, 25, and 41 and requests that this rejection be withdrawn.

Paragraph 7 of the Office Action rejected claims 10, 26, and 42 under 35 USC 112, second paragraph, because of the lack of antecedent basis for the limitation “the maximum PGI” in line 3 of those claims. Applicant has amended claims 10, 26, and 42 and requests that this rejection be withdrawn.

Paragraph 8 of the Office Action rejected claims 11, 27, and 43 [presumably] under 35 USC 112, second paragraph, because of the lack of antecedent basis for the limitation “the

maximum PGI” in line 4 of those claims. Applicant has amended claims 11, 27, and 43 and requests that this rejection be withdrawn.

Paragraph 10 of the Office Action rejected claims 1-8, 10-14, 17-24, 26-30, 33-40, and 42-46 under 35 USC 103(a) as being unpatentable over United States Patent Publication 2004/0243692 (hereinafter “Arnold”).

Applicant disagrees. Arnold does not teach or suggest executing the one or more requests in an order intended to achieve the levels of service associated with each of the workload groups, as required by independent claims 1, 17, and 33. Paragraph [0004] on page 1 of Arnold, which the Office Action cites against this limitation, does not teach or suggest such a concept. Clarification is requested if the Examiner contends this limitation is taught in paragraph [0004] on page 1.

Further, the Office Action admits that Arnold does not teach:

monitoring on a long-term basis to detect deviations from the expected level of service greater than a long-term threshold, and if such a deviation is detected:
adjusting the execution of requests to better provide the expected level of service;
as required by independent claims 1, 17, and 33. The Office Action appears to argue that this limitation is suggested by Arnold’s “analysis steps as well as policy manager functions for purposes such as monitoring the availability requirements (page 4, paragraph 4) and repeating the steps of monitoring for the life of the allocation (page 4, paragraph 43).” Office Action, paragraph 12. To the contrary, none of these functions of Arnold adjust the execution of requests (e.g., delaying, swapping out, or aborting requests, see specification of instant application at [0034], pg. 12, lines 29-30) to better provide the expected level of service. Instead, Arnold is concerned with allocating and reallocating resources to meet goals. See Arnold Abstract at lines 14-16.

Thus, independent claims 1, 17, and 33 are patentable over Arnold. Similarly, dependent claims 3-8, 10-14, 18-24, 26-30, 34-40, and 42-46, which depend from one of claims 1, 17 or 33, are patentable for at least the same reasons. Applicant requests that this rejection be withdrawn.

Paragraph 32 of the Office Action rejected claims 15-16, 31-32, and 47-48 under 35 USC 103(a) as being unpatentable over Arnold in view of United States Patent Publication 2004/0243692 (hereinafter "Hettish"). Applicant respectfully disagrees. Claims 15-16, 31-32, and 47-48 depend from independent claims 1, 17, or 33 and are missing the same elements described above. The Office Action does not argue that Hettish provides the missing elements. Therefore, claims 15-16, 31-32, and 47-48 are patentable over the Office Action's combination of Arnold and Hettish. Applicant respectfully requests that this rejection be withdrawn.

SUMMARY

Applicant contends that the claims are in condition for allowance, which action is requested. Applicant does not believe any fees are necessary with the submitting of this response. Should any fees be required, Applicant requests that the fees be debited from deposit account number 50-4370.

Respectfully submitted,

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